

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

WILLIE M. BUTLER,

Plaintiff,

-against-

GREENBURGH HEALTH CENTER,
BARBARA LYNCH, RNP, GLENN DAVIS, MD, and
UNITED STATES OF AMERICA,

Defendants.

**SUMMONS IN A
CIVIL CASE**

Case Number:

To The Above Named Defendants:

United States of America
c/o United States Attorney
86 Chambers Str
New York, New York 10007

United States Attorney General
U.S Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530-0001

GREENBURGH HEALTH CENTER
295 Knollwood Road
White Plains, New York 10607

BARBARA LYNCH, RNP
GREENBURGH HEALTH CENTER
295 Knollwood Road
White Plains, New York 10607

GLENN DAVIS, MD
GREENBURGH HEALTH CENTER
295 Knollwood Road
White Plains, New York 10607

You are hereby summoned to answer the complaint in this action, and to serve a copy of your answer within twenty days after the services of this summons exclusive of the day of service, where service is made by delivery upon you personally within the state, or within thirty days after completion of service where service is made in any other manner. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: Elmhurst, New York
November 25, 2020

Yours, etc.,



Deborah D. Eddy, Esq.
EDDY & ASSOCIATES, PLLC
Attorneys for Plaintiff
91-31 Queens Boulevard – Suite L
Elmhurst, New York 11373
718-779-7308

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

WILLIE M. BUTLER,

X

Plaintiff,

-against-

GREENBURGH HEALTH CENTER,
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UNITED STATES OF AMERICA,

Defendants.

X

**VERIFIED COMPLAINT
AND JURY DEMAND**

PLAINTIFF DEMANDS A
TRIAL BY JURY

Plaintiff, by her attorneys, EDDY & ASSOCIATES, PLLC, complaining of the defendants herein, respectfully shows to the Court, and alleges as follows:

JURISDICTION AND VENUE

1. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1336, et seq., and 28 U.S.C. § 2671, et seq.

2. Venue is proper in this judicial district pursuant to 28 U.S.C. §1339, et seq., because the negligence and medical malpractice, which gave rise to the claims occurred in the Southern District of New York.

THE PARTIES

3. That at all times hereinafter mentioned Plaintiff was/is a resident of the County of Westchester, State of New York

4. That at all times hereinafter mentioned Defendants were/are residents of the County of Westchester, State of New York.

CONDITIONS PRECEDENT

5. That on or about September 17, 2019, Plaintiff filed Claims with the UNITED STATES OF AMERICA, which set out the particulars of the claims against the Defendants, GREENBURGH HEALTH CENTER, BARBARA LYNCH, RNP, GLENN DAVIS, MD, and UNITED STATES OF AMERICA.

6. This action is now timely commenced as the defendants failed to respond within the statutory limits of 6 months.

7. At all times hereinafter mentioned plaintiff was a patient of BARBARA LYNCH, RNP, GLENN DAVIS, MD, and/or GREENBURGH HEALTH CENTER and/or UNITED STATES OF AMERICA.

8. At all times herein mentioned, Defendant, UNITED STATES OF AMERICA, owned, operated, managed, maintained and controlled GREENBURGH HEALTH CENTER, a health care facility pursuant to the laws of the State of New York.

9. At all times herein mentioned, Defendant, UNITED STATES OF AMERICA, had GREENBURGH HEALTH CENTER in its employment and/or under its control doctors, physicians' assistants, nurses and other medical personnel necessary to provide patients with medical care and attention.

10. At all times herein mentioned, Defendant, UNITED STATES OF AMERICA, had in its employ, BARBARA LYNCH, RNP, GLENN DAVIS, MD other individuals whose names are currently unknown who were employees of GREENBURGH HEALTH CENTER.

11. At all times herein mentioned, Defendant, UNITED STATES OF AMERICA, had in its employ, BARBARA LYNCH, RNP, GLENN DAVIS, MD and other individuals

whose names are currently unknown who were employees of GREENBURGH HEALTH CENTER, who at all times were acting within the scope of their employment and at all times relevant to the complaint while rendering medical care, services and treatment to the plaintiff which was not in accordance with good and accepted medical practices.

12. At all times herein mentioned, Defendant, UNITED STATES OF AMERICA, its agents, servants and/or employees held themselves out as qualified and competent to render requisite medical care and treatment to Plaintiff, WILLIE M. BUTLER.

13. At all times herein mentioned, Defendant, GREENBURGH HEALTH CENTER, is a Public Health Service established by and acting under and by virtue of the laws, statutes and ordinances of the State of New York.

14. At all times herein mentioned, Defendant, GREENBURGH HEALTH CENTER, owned, operated, managed, maintained and controlled a health care facility pursuant to the laws of the State of New York, located at 295 Knollwood Road, White Plains, New York 10607, County of Westchester.

15. At all times herein mentioned, Defendant, GREENBURGH HEALTH CENTER, held itself out to the general public as a medical and/or health institution and facility, possessing a reasonable degree of skill and competence to care for and treat the sick and infirm.

16. That at all times herein mentioned, Defendant, BARBARA LYNCH, RNP, was/is a Nurse Practitioner duly licensed to practice medicine in the State of New York.

17. That at all times herein mentioned, Defendant, BARBARA LYNCH, RNP, held herself out to the general public as a Nurse Practitioner, possessing a reasonable degree of skill and competence to care for and treat the sick and infirm.

18. That at all times herein mentioned, Defendant, BARBARA LYNCH, RNP, rendered medical care and treatment to Plaintiff, WILLIE M. BUTLER.

19. That at all times herein mentioned, BARBARA LYNCH, RNP, was an agent, servant and/or employee of Defendant, GREENBURGH HEALTH CENTER and/or THE UNITED STATE OF AMERICA.

20. That at all times herein mentioned, Defendant, BARBARA LYNCH, RNP, was acting within the scope of and in furtherance of her employment with the Defendants, GREENBURGH HEALTH CENTER and/or UNITED STATES OF AMERICA.

21. That at all times herein mentioned, Defendant, GLENN DAVIS, MD, was/is a physician duly licensed to practice medicine in the State of New York.

22. That at all times herein mentioned, Defendant, GLENN DAVIS, MD, held himself out to the general public as a physician possessing a reasonable degree of skill and competence to care for and treat the sick and infirm.

23. That at all times herein mentioned, Defendant, GLENN DAVIS, MD, rendered medical care and treatment to Plaintiff, WILLIE M. BUTLER.

24. That at all times herein mentioned, GLENN DAVIS, MD, was an agent, servant and/or employee of Defendant, GREENBURGH HEALTH CENTER and/or THE UNITED STATE OF AMERICA.

25. That at all times herein mentioned, Defendant, GLENN DAVIS, MD, was acting within the scope of and in furtherance of her employment with the Defendants, GREENBURGH HEALTH CENTER and/or UNITED STATES OF AMERICA.

26. The above medical care, diagnosis, treatment and services rendered to Plaintiff, WILLIE M. BUTLER, by all Defendants mentioned above were rendered carelessly,

unskillfully, negligently, and not in accordance with good and accepted standards of medical care, diagnosis, treatment and services in the community, including not limited to, the failure to properly treat from 2016 through 2019; in failing to properly investigate and treat diabetes and hypertension; in failing to prevent below the knee right leg amputation; in failing to prevent loss of eyesight; in failing to properly monitor plaintiff; in failing or neglecting to use due, reasonable or proper skill or care in preventing the proximate cause and/or a substantial contributing factor in causing plaintiff's pain and suffering and permanent injury; in failing or neglecting to use due, reasonable or proper skill or care in preventing below the knee right leg amputation; in failing or neglecting to use due, reasonable or proper skill or care in preventing loss of eyesight; in failing to properly and thoroughly investigate her symptoms; in failing to obtain informed consent; in failing to provide and report accurate results; in failing to administer the proper course of therapy; in failing to appreciate and/or consider the plaintiff's risk categories; in failing to manage the patient and chosen course of treatment; in failing to render the appropriate course of treatment; and otherwise being careless and negligent under the circumstances.

27. As a result of their recklessness, carelessness, and negligence, the defendants are liable for the injuries sustained by the Plaintiff herein.

28. As a result of their recklessness, carelessness, and negligence, the defendants are liable for the injuries sustained by the plaintiff to the extent of **TEN MILLION DOLLARS (\$10,000,000.00)**.

WHEREFORE, Plaintiff demands judgment in the amount of **TEN MILLION DOLLARS (\$10,000,000.00)** against the defendants, together with the costs and disbursements of this action.

Dated: Elmhurst, New York
November 25, 2020

Yours, etc.,



Deborah D. Eddy, Esq. (2566473)
EDDY & ASSOCIATES, PLLC
Attorneys for Plaintiff
91-31 Queens Boulevard – Suite L
Elmhurst, New York 11373
718-779-7308

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

WILLIE M. BUTLER,

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Plaintiff,

-against-

GREENBURGH HEALTH CENTER,
BARBARA LYNCH, RNP, GLENN DAVIS, MD, and
UNITED STATES OF AMERICA,

CERTIFICATE OF MERIT

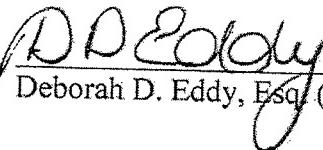
Defendants.

X

Deborah D. Eddy, an attorney duly admitted to practice before the courts of this State, and of EDDY & ASSOCIATES, PLLC, attorneys for Plaintiff, affirms the following to be true under penalties of perjury:

I certify that I have reviewed the facts of this case and have consulted with a physician licensed to practice in this State who I reasonably believe is knowledgeable in the relevant issues involved in this action, and that I have concluded, on the basis of such review and consultation, that there is a reasonable basis for the commencement of this action.

DATED: Elmhurst, New York
November 25, 2020



Deborah D. Eddy, Esq. (2566473)

ATTORNEY'S VERIFICATION

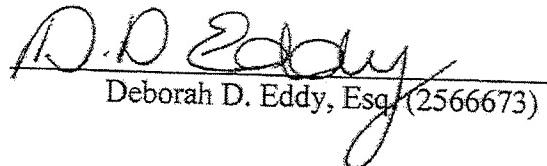
Deborah D. Eddy, an attorney duly admitted to practice before the Courts of the State of New York, affirms the following to be true under the penalties of perjury:

I am a Partner at EDDY & ASSOCIATES, PLLC, attorneys of record for Plaintiff, in the action within. I have read the annexed COMPLAINT and know the contents thereof, and the same are true to my knowledge, except those matters therein which are stated to be alleged upon information and belief, and as to those matters I believe them to be true. My belief, as to those matters therein not stated upon knowledge, is based upon facts, records, and other pertinent information contained in my files.

This verification is made by me because Plaintiff does not reside in the county wherein I maintain my offices.

DATED: Elmhurst, New York
November 25, 2020

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Deborah D. Eddy, Esq. (2566673)